

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

DATE: August 8, 2022

**Executive Officer's Report**

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**Status of Former Prosperity Cleaners Site in Marinwood (Cleet Carlton)**

In June 2022, the Board adopted an amendment to the cleanup and abatement order for this case. The amendment included a July 29, 2022 due date for implementing remedial actions (i.e., soil excavation) related to soil and soil vapor cleanup, and a September 9, 2022, due date for a completion report documenting the work.

The soil excavation and backfilling on the source property was completed by July 29, 2022 as required in the amendment. This work was preceded by demolition of the former dry cleaning building in May and June 2022. Based on conversations with the discharger and their consultant, we anticipate receipt of the completion report by the September 9, 2022 deadline.

The excavation footprint was adjusted somewhat to avoid sewer laterals that were encountered. Exploratory potholes and confirmation soil samples were added to confirm that these adjustments would result in maximum practical removal of contaminated soil. The final excavation footprint and results of the confirmation soil samples will be included in the completion report due September 9.

We plan to provide another update to the Board in October 2022 with the master schedule for all soil, vapor, and groundwater cleanup work at this site.



*Photo showing excavation backfill at the former dry cleaner building location*

## Novel Groundwater Treatment System for MTBE Plume in Fremont (Minh Ngo)

The former Crist Oil facility is in northern Fremont near Niles Canyon. The facility was a bulk fuel terminal that operated from approximately 1973 to 2002. Records indicate petroleum tanks at the property as early as 1915. Union Pacific Railroad is the current owner of the property. The tanks leaked and caused a mile-long, 650-foot deep petroleum groundwater plume that travels beneath Alameda Creek, into the Niles Cone Groundwater Basin, and then towards drinking water production wells operated by Alameda County Water District (see the below figure). MTBE was used as a fuel additive from the late 1980s until it was banned in 2004. The groundwater plume contains MTBE at concentrations up to 500 micrograms per liter ( $\mu\text{g/L}$ ). The drinking water standard for MTBE is 5  $\mu\text{g/L}$ .

In June, the SF Bay Regional Water Quality Control Board approved a groundwater cleanup plan for a mile-long methyl tert-butyl ether (MTBE) plume that has impacted a deep, drinking water aquifer in Fremont. A novel groundwater treatment system, consisting of a series of vegetated, aerated media beds, will be used to clean up the groundwater so it can be recharged back into the aquifer.

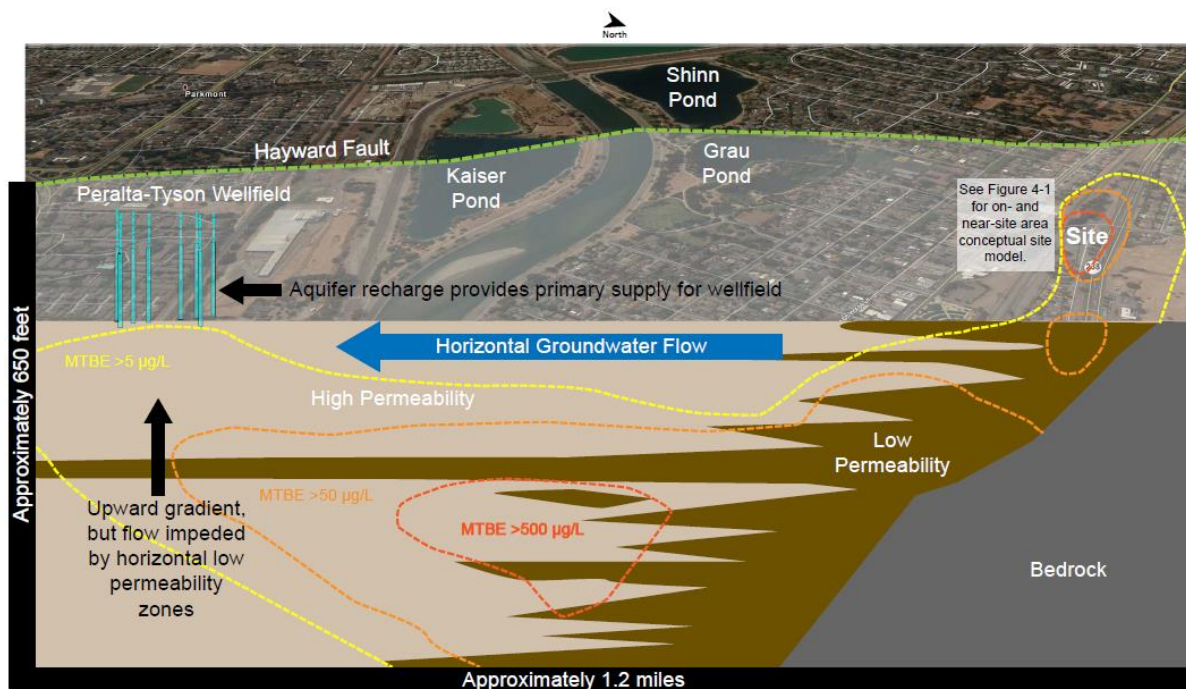


Figure 1. Hydrogeologic cross-section of the Crist Oil site and the MTBE pathway toward ACWD's Peralta-Tyson Wellfield to the south.

The cleanup plan proposes to extract groundwater from two extraction wells that are located slightly upgradient of the District's production wells. The two extraction wells will be pumped at a combined rate of 250 gallons per minute. The extracted groundwater will be routed through a "natural treatment system" that consists of a series of vegetated, aerated media beds. The treatment system is based on engineered treatment wetland technology that has been previously demonstrated to treat MTBE. The media beds promote the growth of microbial communities that are adapted to

breaking down MTBE. The proposed system includes nutrient addition and supplemental aeration to provide dissolved oxygen to enhance microbial degradation. Union Pacific conducted a pilot test that confirmed the treatability of the MTBE in the groundwater plume. The system will consist of several dozen truck-sized "totes" connected in series to treat the water as it flows through.

The treated effluent will then be discharged under an NPDES permit to Bunting Pond, which is managed by the District as a recharge pond for the Niles Cone Groundwater Basin. The design, construction, and startup of the treatment system will take two years to complete.

### **Dairies and Ranches at Point Reyes National Seashore (Laurie Taul)**

In 2017, a multi-party Settlement Agreement between the National Park Service (NPS) and three plaintiff groups (Resource Renewal Institute, Center for Biological Diversity and Western Watersheds Project) required the NPS to update the General Management Plan. As a result, the NPS began preparing an Environmental Impact Statement (EIS) for a General Management Plan Amendment (GMPA) in 2018, and issued the Record of Decision for the EIS and GMPA in September 2021. While the NPS manages over 86,000 acres, of which 33,000 acres are designated as wilderness, this amendment applies to approximately 28,000 acres of Point Reyes National Seashore and north district Golden Gate National Recreation Area leased for dairy and beef ranching. The selected action includes adopting a zoning framework, ranch operations (including ranch leasing and operating agreements, range management, management practices, and ranch complex activities), and management of tule elk in the ranchland zone.

One key public process milestone was the California Coastal Commission's April 2021 conditional concurrence that the GMPA is consistent with the California Coastal Management Program. As a condition of this concurrence, the NPS was required to provide a ranching water quality strategy and climate action plan, including implementation of short- and long-term management practices and a surface water sampling program by April 2022. During the April 2022 Coastal Commission meeting, NPS staff were directed to work with Water Board staff to improve their proposed First-Year Version of the Water Quality Strategy and submit it to the Coastal Commission for re-consideration during their September 2022 meeting.

Members of the public, including the aforementioned organizations, continue to be at odds with the selected action under the GMPA, citing water quality concerns from ranching activities and conflicts with tule elk herd vitality. A lawsuit was filed in January 2022 by the same three plaintiff groups and all parties have recently entered confidential mediation related to the litigation.

### ***Recent National Park Service Actions***

- Mandatory reductions in the number of animals on grazing parcels due to the ongoing drought and vegetation monitoring results.
- Issuance of two-year interim leases (starting September 14, 2022) with updated terms and conditions to better address water quality and resource protection objectives.
- Completion of septic system inspections on 13 NPS ranch operations in collaboration with Marin County Environmental Health Services. The final 3 inspections will be completed in early August. Immediate mandatory actions have been identified and are being implemented prior to onset of the rainy season.
- Implementation of water quality monitoring program elements from the draft Water Quality Strategy (long-term coastal monthly monitoring and beach recreational monitoring).

### ***Water Board Staff Actions***

Water quality impacts from dairies and grazing operations continue to be a Water Board staff priority. We have engaged in each phase of the GMPA 4-year public process, reviewing the draft GMPA and providing comments, responding to numerous public inquiries, and continuing to coordinate with all agencies involved. Each NPS dairy must comply with [General Waste Discharge Requirements for Confined Animal Facilities](#) (CAF Order) and 10 of 18 grazing operations must comply with the [Grazing Waiver for the Tomales Bay Watershed](#). Both the CAF Order and the Grazing Waiver require ranchers to install and maintain best management practices to minimize impacts to water quality. The CAF Order also requires a manure management plan, a pasture management plan, and monitoring of instream receiving water and domestic wells.

In February, we conducted comprehensive inspections of the 6 NPS dairies and assessed their CAF Order compliance status. Three of the five active dairies were determined to be complying, and two are in the process of meeting the CAF Order requirements by completing short- and long-term improvements identified during the inspections and detailed in our inspection reports. The sixth facility has closed. The dairy producers expressed their commitment to making the improvements but were concerned with the required investment given their lack of a long-term lease.

During the past few months, we have worked with NPS staff to give feedback on the proposed Water Quality Strategy, and we have provided our initial comments and suggestions. Prior to the September public meeting, we will continue to coordinate with NPS and California Coastal Commission staff and will provide additional input.

### ***Next Steps***

The two dairy facilities in need of improvement are required to implement short-term pollution prevention measures prior to this year's wet season and to submit a plan/schedule for long-term or larger-scale improvements by November 1. In addition, NPS staff intend to incorporate the identified required actions in their water quality strategy and interim lease agreements. We will closely review all improvement plans and this year's Annual Reports for adequacy and confirmation of required follow-up actions. Additionally, we plan to conduct grazing operation inspections within NPS later this month and re-visit the dairies in the Fall to confirm management measures and winterization practices are in place.

Further, we help to administer the federal 319(h) grant program specific to nonpoint sources of pollution, such as agriculture, grazing and animal production. We intend to support and encourage the NPS and ranchers to apply for this funding to help expedite and facilitate NPS ranch improvement plans. It has been demonstrated that collaboration between agencies, landowners, and ranchers to implement best management practices and monitoring programs can minimize and mitigate animal agriculture water quality issues. We are committed to continuing this focused effort on all NPS lands, in coordination with NPS staff and other partners, such as the Marin Resource Conservation District, Marin Agricultural Land Trust, University of California Cooperative Extension, and the Natural Resource Conservation Service.

**East Bay Consent Decree Stipulated Penalties (Sam Plummer)**

In May 2022, the U.S. EPA and Water Board assessed stipulated penalties totaling \$207,600 from East Bay Municipal Utility District (EBMUD), Stege Sanitary District, and the cities of Alameda, Berkeley, and Oakland. These penalties enforce a Consent Decree that the U.S. District Court entered on September 22, 2014, reached by the Regional Water Board, State Water Board, U.S. EPA, EBMUD, and "Satellites" (i.e., the Cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont and the Stege Sanitary District). The Consent Decree set forth various work obligations to address discharges from EBMUD's three Wet Weather Facilities and sanitary sewer overflows (SSOs) from the Satellites' collection systems. The Consent Decree also established stipulated penalties for effluent limit violations at EBMUD's Wet Weather Facilities and sanitary sewer overflows that reach waters of the United States.

The Satellites and EBMUD have met the work requirements established by the Consent Decree, but sanitary sewer overflows continue. U.S. EPA and Water Board recently assessed penalties, as detailed in the table below, for untreated sewage discharges to San Francisco Bay from July 1, 2019, through June 30, 2021.

**Table 1: Stipulated Penalties for Sanitary Sewer Overflows to San Francisco Bay**

	Alameda	Berkeley	EBMUD	Oakland	Stege Sanitary District
# of SSOs	7	4	2	48	1
Penalty	\$5,400	\$800	\$50,000	\$151,200	\$200

In June 2022, U.S. EPA and Water Board also assessed EBMUD a stipulated penalty of \$29,000 for five effluent violations: one pH violation, two total coliform violations, and two chlorine residual violations at its Point Isabel Wet Weather Facility that resulted from operational error during the October 24 and 25, 2021 extreme storm event.



**Enforcement Actions (Brian Thompson and Jessica Watkins)**

The following tables show the proposed and settled enforcement actions since July's report. As the proposed settlement is pending and could come before the Regional Water Board, ex parte communications are not allowed. Please refer to the [Pending Enforcement Liabilities and Penalties](#) webpage for more information on the details of the alleged violations and proposed settlement.

***Proposed Settlement***

The following is noticed for a 30-day public comment period. If no significant comment is received by the deadline, Assistant Executive Officer Lisa Horowitz McCann will sign an order implementing the settlement.

<b>Discharger</b>	<b>Violation(s)</b>	<b>Proposed Penalty<sup>1</sup></b>	<b>Comment Deadline</b>
East Bay Municipal Utility District	Unauthorized discharge of 3,795,500 gallons of partially treated and chlorinated wastewater to waters of the United States.	\$816,000	August 17, 2022

<sup>1</sup> Includes \$408,000 to fund a Regional Monitoring Program project named "San Francisco Bay Sediment Transport and Fate Modeling." The Regional Monitoring Program is managed by the San Francisco Estuary Institute to collect water quality information in support of management decisions to restore and protect beneficial uses of the Region's waters.

***Settled Actions***

On behalf of the Board, Assistant Executive Officer Lisa Horowitz McCann approved the following:

<b>Discharger</b>	<b>Violation(s)</b>	<b>Imposed Penalty</b>	<b>Supplemental Environmental Project</b>
Mission Valley Rock Co., LLC	Unauthorized discharge of 41,000 gallons of sediment-laden process wastewater to waters of the United States.	\$368,940	\$184,470 <sup>1</sup>

<sup>1</sup> The penalty includes \$184,470 to fund a Regional Monitoring Program project named "High-Speed Mapping of Water Quality Parameters on the Eastern Shoal of South San Francisco Bay."

**401 Water Quality Certification Applications Received (Abigail Smith)**

The table below lists those applications received for Clean Water Act section 401 water quality certification from June 21 through July 18, 2022. A "X" mark in the right-hand column indicates a project with work that may be in BCDC jurisdiction.

<b>Project Name</b>	<b>City/Location</b>	<b>County</b>	<b>May have BCDC Jurisdiction</b>
Courtland Creek Restoration	Oakland	Alameda	
Peralta Creek Tree Management Between Davis St. and Brookdale Ave. Phase 2	Oakland	Alameda	
375 West El Pintado Road Senior Housing	Danville	Contra Costa	
City of Martinez Marina Maintenance Dredging	Martinez	Contra Costa	X
500 Deerwood Creek Bank Restoration	San Ramon	Contra Costa	
Crockett Hills Livestock Pond Restoration	Unincorporated	Contra Costa	
Diablo Foothills Cow Pond Livestock Pond Restoration	Unincorporated	Contra Costa	
Diablo Foothills Mud Pond Livestock Pond Restoration	Unincorporated	Contra Costa	
71 Bellevue Dock Replacement	Belvedere	Marin	X
Footbridge Construction	Fairfax	Marin	
Whitehouse Pool Sediment Removal	Point Reyes Station	Marin	
17 Katrina Ln Creek Bank Erosion Protection	San Anselmo	Marin	
Giovannoni Logistics Center	American Canyon	Napa	
City of Napa Buhman Park Bank Stabilization (ST19PW10)	Napa	Napa	
Silverado Trail Over Bell Canyon Creek Scour Repair	St Helena	Napa	

<b>Project Name</b>	<b>City/Location</b>	<b>County</b>	<b>May have BCDC Jurisdiction</b>
Ravenswood-San Mateo 230kV Tower 001/011 Emergency Repair	Redwood City	San Mateo	X
South San Francisco PUC Development	South San Francisco	San Mateo	
5005 Peabody Road Residential Development	Fairfield	Solano	
Bank Stabilization in Suisun City	Suisun City	Solano	
Montezuma Harbor Maintenance Dredging	Suisun City	Solano	
California Maritime Academy Emergency Floating Dock Repair	Vallejo	Solano	X